

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

RONALD WEST, #11353-007,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CIVIL ACTION NO. 3:16cv02460

(KANE, J.)  
(SAPORITO, M.J.)

**ORDER**

FILED  
WILKES BARRE  
FEB 28 2020  
PER MS  
DEPUTY CLERK

This is a *pro se* civil action by a life-term federal prisoner against the United States, brought pursuant to the Federal Tort Claims Act. The plaintiff's claims were originally dismissed for lack of subject matter jurisdiction in 2017. *See West v. United States*, Civil Action No. 3:16cv02460, 2017 WL 4276815 (M.D. Pa. Aug. 23, 2017), *report and recommendation adopted* by 2017 WL 4269461 (M.D. Pa. Sept. 26, 2017), *aff'd per curiam*, 729 Fed. App'x 145 (2018). A subsequent motion for reconsideration was denied and his appeal from that decision was dismissed as frivolous. *See West v. United States*, Civil Action No. 3:16cv02460, 2018 U.S. Dist. LEXIS 206296 (M.D. Pa. Dec. 4, 2018), *report and recommendation adopted*, Case No. 3:16cv02460 (M.D. Pa. Jan. 3, 2019), *aff'd*, 775 Fed. App'x 38 (3d Cir. 2019).

On February 12, 2020, the Court received a *pro se* motion by the plaintiffs seeking an order directing the BOP to stop deducting installment payments of the PLRA filing fee due in this case. (Doc. 95.) On February 13, 2020, we entered an order denying that motion, noting that the Court had received installment payments from the plaintiff totaling only \$231.54, well short of the \$350 due for filing this action. (Doc. 98.) We noted that the plaintiff also owed an additional \$505 due for filing an appeal from this case, docketed by the Third Circuit as Appeal No. 19-1272. (*Id.*; *see also* Doc. 80; Doc. 81; Doc. 82.)

Now before the Court in this closed matter is the plaintiff's *pro se* motion for reconsideration of our Order of February 13, 2020. (Doc. 100.) The plaintiff's motion presents no new facts or arguments, except to clarify that the plaintiff is subject to a *third* filing fee as well, for an earlier interlocutory appeal from this case, docketed by the Third Circuit as Appeal No. 17-3587. (*Id.*; *see also* Doc. 59; Doc. 61.)

We have re-reviewed the docket entries in this case. In doing so, we have found that the Clerk has received installment payments totaling \$229.54 through February 27, 2020,<sup>1</sup> which is substantially less than the

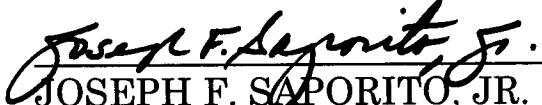
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<sup>1</sup> Due to a mathematical error, our prior order misstated this figure.

\$350 filing fee due in this district court action, M.D. Pa. Case No. 3:16-cv-02460. Moreover, the plaintiff's fee obligation includes not only the \$350 due for filing this district court action, but also an additional \$1,010 due for filing his appeals in Third Circuit Appeal Nos. 17-3587 and 19-1272. (Doc. 59; Doc. 80; *see also* Doc. 82.) As of this date, the plaintiff has an unpaid filing fee balance of \$1,030.46.

Accordingly, **IT IS HEREBY ORDERED THAT** the plaintiff's motion for reconsideration (Doc. 100) is **DENIED**.

Dated: February 28, 2020

  
JOSEPH F. SAPORITO, JR.  
United States Magistrate Judge